

REMARKS/ARGUMENTS

A Cross Reference to Related Applications section as well as section headings have been added in order to bring the application in conformance with 37 CFR §1.77. The Abstract section has been corrected to eliminate the multiple paragraphs.

No new matter has been introduced by this Amendment.

Response to claim rejections – 35 USC §112:

Claims 1 to 5 have been clarified. In particular, claim 1 has been amended in order to introduce the feature “*at least one silicate*”. Thus claim 2 has been cancelled.

Claim 3 has been amended in order to specify that the features regarding the amount of glycosidic bonds, the reducing sugar content, the polydispersity value and the number-average molecular mass are recited for the maltodextrins.

The language “*chosen from*” has been replaced by “*selected from*”.

In addition, the multiple dependencies have been corrected appropriately.

Response to claim objections and rejections – 35 USC §102(b) and 103(a):

Claims 1 to 5 are rejected under 35 USC §102(b) as anticipated by Hartigan et al [US 5,709,896], or in the alternative under 103(a) as being unpatentable over Hartigan et al in view of Cheruki et al [US 7,317,838] and Rusch et al [US 3,769,438].

This rejection is respectfully traversed.

The present invention relates to a coating process of sugar-less boiled sweets that allows the creation of a **hard and translucent coating that protects said sweets from the ambient humidity without the need for individual wrapping.**

The instant claims of the invention are directed toward a coating process of sugar-free boiled sweets. **The novel coating syrup of the coating process comprises at least one polyol, at least one high molecular weight polysaccharide, 10-40% by weight of at least one fat and at least one silicate (claim1).**

As a result of the specific composition of the coating syrup, the inventive process results in the production of stable boiled sweets that have **the advantages of avoiding moisture regain and loss of the translucent appearance of the coating over time and, thus precludes the boiled sweets from becoming sticky or opaque, respectively** (page 5 lines 9-17).

Hartigan et al disclose dispersions that are based on a combination of microcrystalline cellulose and gum (MCC-GUM) that can served as a low-fat replacement, particularly in chocolate coating, while preserving functional properties similar to those of the fat contained in traditional chocolate coating (column 1 lines 9-17).

However, a critical review of the coating process disclosed in Hartigan et al clearly reveals that the coating layer is formed by **crystallization** (column 3 lines 37-44).

In contrast, the process of the present invention results in a translucent and hard coating. In the examples, the main polyol used in the coating syrup of the claimed process is a **non crystallisable** product which is characterized by a **glass transition temperature** (Examples 1 and 2, page 1 lines 29-34). This glass transition temperature promotes the **vitrification** process during the cooling step. Unlike the crystallization process that leads to the formation of an opaque coating, the **vitrification process allows the syrup of the invention to cool down and harden to form a translucent and hard coating.**

Furthermore, Hartigan et al **remain silent on the use of at least one silicate** as ingredient for the coating dispersions.

In view of the above, it is clear that the process of Hartigan et al. is different from that of the present invention and thus does not anticipate the coating method according to the present invention.

Cherukuri et al disclose a coating method involving a sugar-less coating syrup based on sorbitol in the crystalline form (Column 1 lines 9-11). The purpose of the coating method of Cherukuri et al is to produce a *“uniform sugarless coating ...having bite-through and chew properties of a soft crystal”* (column 1 lines 48-52). As a matter of fact, the **crystallization of the coating layer of Cherukuri et al is initiated by seeding of a dusting mix** (column 2 lines 60-61).

Cherukuri et al, as Hartigan et al, disclose coating procedures involving crystallization. These documents **do not anticipate nor suggest the vitrification of the coating syrup and, are thus irrelevant with regards to the coating process of the invention.**

Furthermore, Rusch et al disclose a coating composition that is based on hexitol and fat. This document teaches that products coated with such a composition exhibit *“an extended bowl life, that is, the length of time a snack remains crisp while immersed in milk”* (column1 lines 30-33).

However, Rusch et al never discuss the hard and/or translucent features of the coating. Furthermore, this document never address the issue of the coating's stability, as revealed by such appearance changes as the transparent coating turning opaque over time or having increased stickiness due to its high hygroscopicity. Thus, this document does not, in any way, suggest the invention and, thus **is not pertinent to assess the obviousness of both maintaining transparency and non-stickiness of the coating according to the invention.**

Given the differences in the fields of endeavour, there is no incentive to combine the teachings of Rusch et al with those of Hartigan et al and/or Cherukuri et al.

Consequently, none of the cited prior art documents, taken alone or in combination, offers any incentive to use the specific sugar-less coating syrup of the invention that leads to a hard and translucent coating layer and allows the resulting non-sticky coated boiled sweets to be marketed without individual wrapping.

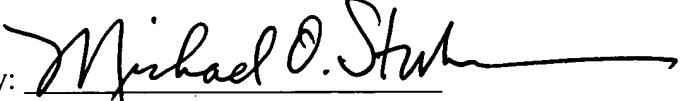
The instant claims 1 and 3-5 thus do not contravene 35 USC §102(b) and 103(a).

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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